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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/783,932

02/14/2001

Dan Kikinis

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04/04/2006

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EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/783,932	KIKINIS ET AL.	
	Examiner	Art Unit	
	Sajeda Muhebbullah	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 1/11/06.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,7,9,11-14 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6,7,9,11-14 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment filed 1/11/2006.
2. Claims 1, 3, 6-7, 9, 11-14 and 20-24 are pending in this application. Claims 1, 3, 7, 9 and 21-24 are independent claims. In the Amendment, claims 1, 3, 6-7, 9 and 11-14 were amended and claims 21-24 were added. This action is made Non-Final.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claim 21 recites the limitation "hour grab" in line 8.

b) Claim 24 recites the limitation "hour grab" in lines 6, 8 and 9.

There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1, 3, 6-7, 9, and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohkura et al. ("Ohkura", US 6,005,601).

As per claim 1, Ohkura teaches a method for displaying data associated with an electronic program guide, comprising:

displaying one or more movable slide knobs concurrently with the electronic program guide (Fig.10, *movable slide knobs 100X1, 100X2, 100Y, 100Z*);

displaying electronic program guide data corresponding to a position of the one or more moveable slide knobs (Fig.10; *AREA Y*); and

wherein said data corresponding to the position of the moveable slide knob is changed in a frame buffer or a video buffer as a user changes a position of said one or more moveable slide knobs (Fig.17; col.15, lines 12-25).

Independent claims 3, 7 and 9 are individually similar in scope to independent claim 1, and are therefore rejected under similar rationale.

As per claim 6, Ohkura teaches the device wherein the slide knob indicates a series of programs to be viewed (Fig.10, *AREA Y*).

As per claim 11, Ohkura teaches the method further comprising, displaying a plurality of movable slide knobs concurrently with the electronic program guide, wherein each moveable slide knob corresponds to a different incremental value (Fig.10, *movable slide knobs 100X1, 100X2, 100Y, 100Z*).

Claims 12-14 are individually similar in scope to claim 11, and are therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohkura et al. ("Ohkura", US 6,005,601) in view of Bryan, Jr. et al. ("Bryan", US 5,559,301).

As per claim 20, Ohkura teaches the system wherein the time can be changed via a sliding mechanism (Ohkura, Fig.10, *Area X2*). However, Ohkura does not teach the system comprising a minute hand grab mechanism. Bryan teaches a system of displaying data wherein a grab mechanism may be used in place of a sliding mechanism to change data (Bryan, col.8, 55-67; col.9, lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Bryan's teaching with Ohkura's system in order to provide the user an alternative approach to swiftly changing parameter settings.

As per claim 21, Ohkura teaches a method for displaying data associated with an electronic program guide, comprising:

displaying one or more mechanisms having at least an hour hand mechanism concurrently with the electronic program guide (Fig.10, *hour hand sliding mechanism 100X2*);

displaying electronic program guide data corresponding to a position of the hour hand mechanism (Fig.10, *AREA Y*); and

wherein said data corresponding to the position of the mechanism is changed in a frame buffer or a video buffer as a user changes a position of said hour mechanism (Fig.17; col.15, lines 12-25).

However, Ohkura does not teach an analog-type mechanism having at least a grab mechanism. Bryan teaches a system of displaying data wherein a grab mechanism may be used in place of a sliding mechanism to change data (Bryan, col.8, 55-67; col.9, lines 1-11). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Bryan's teaching with Ohkura's system in order to provide the user an alternative approach to swiftly changing parameter settings

Claims 22-24 are individually similar in scope to claim 21, and are therefore rejected under similar rationale.

Response to Arguments

9. Applicant's arguments with respect to Amendment filed 1/11/2006 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argued the following:

a) Ohkura fails to disclose any slide knobs as moveable objects.

The Examiner disagrees for the following reasons:

Per a), Ohkura does teach a slide knob as described in the Applicant's specification and disclosed in Figure 4. According to the Applicant's specification, "through the motion of the knobs, values within each range can be altered rather quickly. The knobs can be moved...by using an arrow to navigate left and right between columns and up and down within a column."

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Ohkura teaches similar slide knobs which can be moved using arrow keys (Ohkura, col.9, lines 1-43) and which display values within the knob (Ohkura, Fig.10, *knob 100X1*).

Communications

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (571) 272-4065. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:00 am to 4:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sajeda Muhebbullah

Patent Examiner

Art Unit 2174

Kristine Kincaid
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